



**US Army Corps
of Engineers**
St Paul District

APPLICANT: Fond du Lac Band
Reservation Business
Committee

Public Notice

ISSUED: 17 August 2007
EXPIRES: 01 September 2007

REFER TO: 2007-2741-DWW

SECTION:404 - Clean Water Act

1. APPLICATION FOR PERMIT TO temporarily discharge dredged and fill material into 11.93-acres of wetland in conjunction with the wild rice restoration project on Perch, Jaskari and Rice Portage Lakes. The project will also consist of 0.07-acre of permanent impacts on Jaskari Lake for the development of an equipment landing pad.

2. SPECIFIC INFORMATION.

APPLICANT'S ADDRESS: Karen R. Diver, Chairwoman
Fond du Lac Reservation Business Committee
1720 Big Lake Road
Cloquet, Minnesota 55720

PROJECT LOCATION: The project is located on three separate wild rice lakes: Jaskari Lake (Sections 1 and 2, T. 48N., R. 18W and Sec. 36, T. 49N., R. 19W.), Perch Lake (Sec. 6, T. 48N., R. 18W., Sec. 1, R. 48N., R. 19W., Sec. 31, T. 49N., R. 18, Sec. 36, T. 49N., R. 19), Rice Portage Lake (Sections 25, 26, 35, 36, T. 49N., R. 19W.), Carlton County, Minnesota.

DESCRIPTION OF PROJECT: This project was previously approved by the Corps of Engineers on May 21, 1997. This application is due to the fact that the original permits were allowed to expire and this project is now also required to seek additional approval from the Fond du Lac Band of Lake Superior Chippewa.

The Fond du Lac Reservation Business Committee is proposing to restore Jaskari, Perch and Rice Portage Lakes for wild rice harvesting. Stoney Brook was converted into a ditch system between 1916 and 1921, which led to a partial drainage of the wild rice lakes of Jaskari, Perch, Rice Portage, Miller and Deadfish. The partial drainage of these lakes allowed competing vegetation, such as cattail, pickerelweed, water lily, sedges and horsetail to displace open water wild rice habitat. This partial drainage resulted in the loss of approximately 850 acres of wild rice habitat to competing vegetation. Jaskari, Perch and Rice Portage Lakes were most severely affected by the ditch system and are targeted for this proposed restoration project.

QUANTITY, TYPE, AND AREA OF FILL: The temporary impact consists of 2.07-acres for Perch Lake, 0.68-acre for Jaskari Lake and 9.18-acres for Rice Portage Lake. The proposed project would result in an unavoidable loss of 0.07-acre of wetlands on Jaskari Lake for the development of an equipment landing pad.

VEGETATION IN AFFECTED AREA: The applicant has indicated that the discharge of dredged and fill material would permanently impact wetlands, of which, would include sedges, pickerelweed and wild rice in Perch and Jaskari Lakes and cattail, sedges and wild rice in Rice Portage Lake.

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SOURCE OF FILL MATERIAL: Fill materials would be obtained from existing sources in the project area.

SURROUNDING LAND USE: Surrounding land use includes; forestry, rural areas.

DESCRIPTION OF STRUCTURE: Equipment access is required to complete the lake restoration. The 3,000 square foot area will be filled in a succession of layers: a geotextile fabric will be laid down, followed by Class 5 gravel and a series of 18-inch wide by 10-foot long cement planks will complete the ramp base.

DESCRIPTION OF DREDGING OR EXCAVATION: The proposed project would include the excavation of pickerelweed, sedge and cattails in all three lakes. During the life of the project, up to 350 acres of vegetation could be removed.

THE FOLLOWING PRECAUTIONS TO PROTECT WATER QUALITY HAVE BEEN DESCRIBED BY THE APPLICANT: A combination of Best Management Practices (BMPs) and low impact engineering techniques would be utilized to the maximum extent practicable.

Spill Containment: Spill booms would be carried on all vegetation removal equipment to prevent spilled fuel from being released into the Reservation's lakes during refueling. To refuel the equipment, an airboat is brought alongside the equipment, a hose is extended into the fuel tank, and a hand crank pump administers the fuel. The hose would be inspected before every refueling event to check for cracks. The maximum fill per refueling event is 30 gallons, as this is the size of the refueling tank on the airboat. Spill kits would be kept on board on all equipment to absorb any fuel spills. Fond du Lac uses a biodegradable vegetable oil-based hydraulic fluid on the equipment as another level of protection.

Vegetation Containment: The boom nets would prevent cut vegetation from spreading into other areas of the lake. Also, when equipment would be removed from the lake, the equipment would be cleaned with a 200° F high-pressure washer and the conveyer belts would be stripped and cleaned.

Damage Control: Equipment would be put into the lakes at specified landings, and movement on the lake would be directed to prevent damage to lakeshore, bottom sediments, and desirable vegetation. The equipment would not be taken out of the lake until all the work is completed for the season on that lake, to prevent additional damage caused by unloading and loading the equipment multiple times.

3. REPLIES/COMMENTS.

Interested parties are invited to submit to this office written facts, arguments, or objections within 15 days of the date of this notice. These statements should bear upon the suitability of the location and the adequacy of the project and should, if appropriate, suggest any changes believed to be desirable. Comments received may be forwarded to the applicant.

Replies may be addressed to Regulatory Branch, St. Paul District, Corps of Engineers, 1554 Highway 2, Suite 2, Two Harbors, Minnesota 55616.

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Or, IF YOU HAVE QUESTIONS ABOUT THE PROJECT, call Daryl W. Wierzbinski at the Two Harbors field office of the Corps, telephone number (218) 834-6630.

To receive Public Notices by e-mail, go to the St. Paul District web page at <http://www.mvp.usace.army.mil/regulatory/> and sign up by clicking on the left side of the web site under Notices.

Email Notification of Public
Notices

4. FEDERALLY-LISTED THREATENED OR ENDANGERED WILDLIFE OR PLANTS OR THEIR CRITICAL HABITAT.

None were identified by the applicant or are known to exist in the permit area. However, Carlton County is within the known or historic range of the following Federally-listed threatened (T) and endangered (E) species:

Species

Habitat

Canada Lynx (T)

Northern forested areas

This application is being coordinated with the U.S. Fish and Wildlife Service. Any comments it may have concerning Federally-listed threatened or endangered wildlife or plants or their critical habitat will be considered in our final assessment of the described work.

5. JURISDICTION.

Jaskari, Perch and Rice Portage Lakes are part of a tributary system to Lake Superior, a navigable water of the United States.

This application is being reviewed in accordance with the practices for documenting Corps jurisdiction under Sections 9 & 10 of the Rivers and Harbor Act of 1899 and Section 404 of the Clean Water Act identified in Regulatory Guidance Letter 07-01. We have made a *preliminary determination* that the aquatic resources that would be impacted by the proposed project are regulated by the Corps of Engineers under Section 404 of the Clean Water Act. Our jurisdictional review and final jurisdictional determination could result in modifications to the scope of the project's regulated waterbody/wetland impacts and compensatory mitigation requirements identified above. An *approved jurisdictional determination* will be made prior to reaching a permit decision, and will be posted on the St. Paul District web page at <http://www.mvp.usace.army.mil/>.

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6. FOND DU LAC BAND OF SUPERIOR CHIPPEWA SECTION 401 WATER QUALITY CERTIFICATION.

Valid Section 404 permits cannot be issued for any activity unless Fond du Lac Band of Lake Superior Chippewa water quality certification for the activity is granted or waived pursuant to Section 401 of the Clean Water Act.

The 401 Water Quality Certification will be reviewed according to the provisions of the Fond du Lac Band of Lake Superior Chippewa Wetlands Protection and Management Ordinance #03/06 (adopted by Resolution #1165/06 of the Fond du Lac Reservation Business Committee on June 15, 2006); Section 401 of the Clean Water Act (33 U.S.C. 1251 et seq.); the Fond du Lac Band of Lake Superior Chippewa Ordinance #01/06 Water Quality Certification Standards (adopted by Resolution #1033/06, as amended, of the Fond du Lac Business Committee on March 28, 2006); and the Fond du Lac Band of Lake Superior Chippewa Water Quality Standards, Ordinance #12/98, as amended (adopted by Resolution #1286/01 of the Fond du Lac Reservation Business Committee on September 11, 2001).

7. HISTORICAL/ARCHAEOLOGICAL.

This public notice is being sent to the National Park Service, the State Archaeologist, and the State Historic Preservation Officer to determine if there are known cultural resources which may be affected by the described work. Any unknown archaeological, scientific, or historical data could be lost or destroyed by the work described in the permit application. However, the latest version of the National Register of Historic Places has been consulted and no listed properties (known to be eligible for inclusion, or included in the Register) are located in the project area.

8. PUBLIC HEARING REQUESTS.

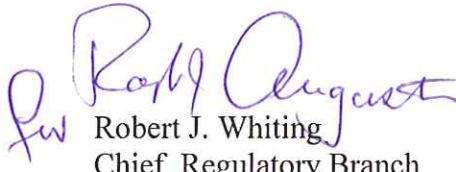
Any person may request, in writing, within the comment period specified in this notice, that a public hearing be held to consider this application. Requests for public hearings shall state, in detail, the reasons for holding a public hearing. A request may be denied if substantive reasons for holding a hearing are not provided or if there is otherwise no valid interest to be served.

9. PUBLIC INTEREST REVIEW.

The decision whether to issue a permit will be based on an evaluation of the probable impact, including cumulative impacts, of the proposed activity on the public interest. That decision will reflect the national concern for both protection and utilization of important resources. The benefit which reasonably may be expected to accrue from the proposal must be balanced against its reasonably foreseeable detriments. All factors which may be relevant to the proposal will be considered, including the cumulative effects. Among those are conservation, economics, aesthetics, general environmental concerns, wetlands, cultural values, fish and wildlife values, flood hazards, floodplain values, land use, navigation, shoreline erosion and accretion, recreation, water supply and conservation, water quality, energy needs, safety, food and fiber production and, in general, the needs and welfare of the people. Environmental and other documents will be available for review in the St. Paul District Office.

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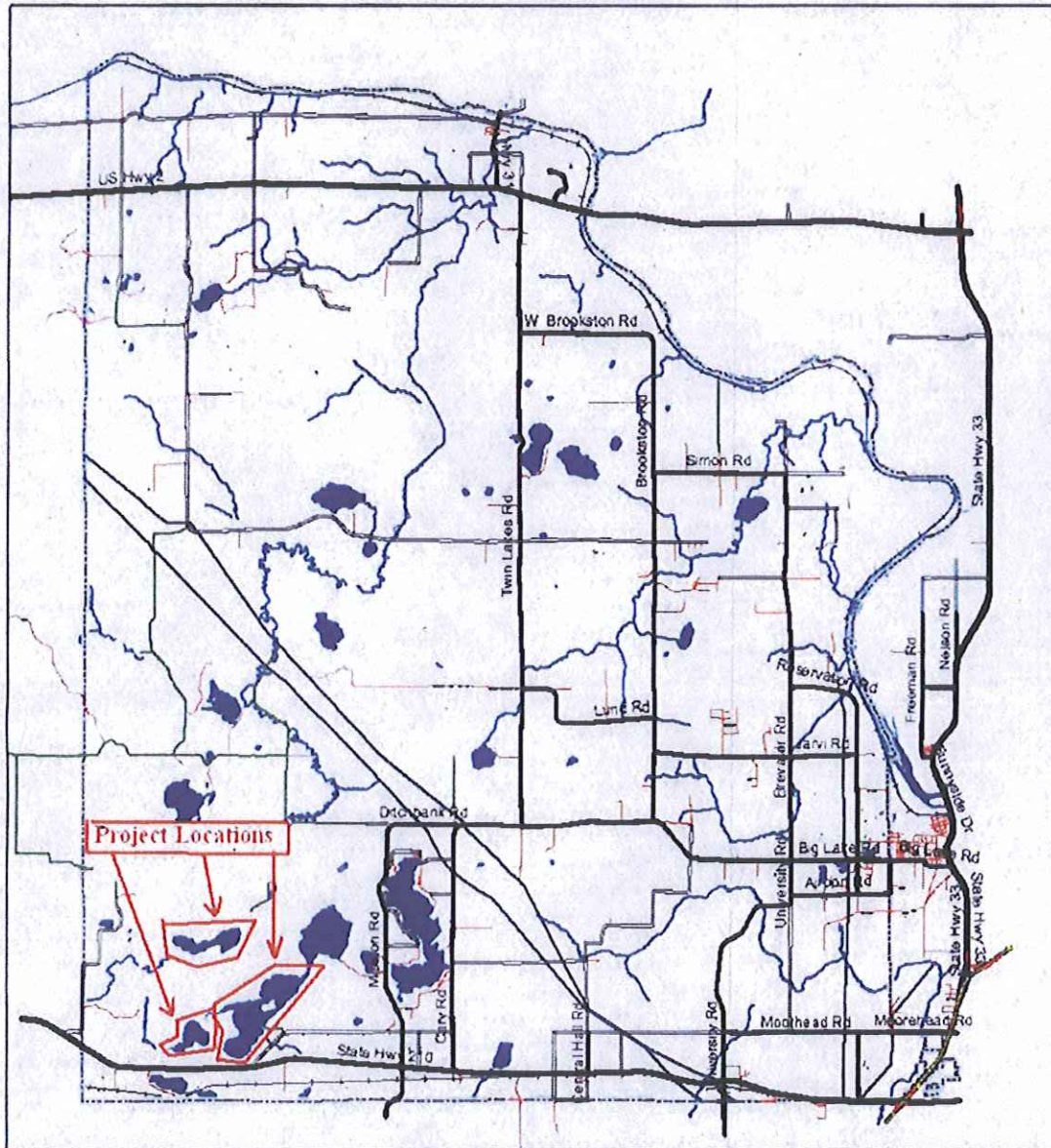
The Corps of Engineers is soliciting comments from the public; Federal, State, and local agencies and officials; Indian tribes; and other interested parties in order to consider and evaluate the impacts of this proposed activity. Any comments received will be considered by the Corps of Engineers to determine whether to issue, modify, condition, or deny a permit for this proposal. To make this decision, comments are used to assess impacts on endangered species, historic properties, water quality, general environmental effects, and the other public interest factors listed above. Comments are used in the preparation of an Environmental Assessment and/or an Environmental Impact Statement pursuant to the National Environmental Policy Act. Comments are also used to determine the need for a public hearing and to determine the overall public interest of the proposed activity.


Robert J. Whiting
Chief, Regulatory Branch

Enclosures

NOTICE TO EDITORS: This public notice is provided as background information and is not a request or contract for publication.

Fond du Lac Reservation



Legend

- Interstate
- Freeway
- Exit ramp
- Freeway
- Secondary
- Light Duty
- Residential
- Minimum Maintenance
- Forest
- Railroad Service

2700 3900 0 7700 Feet

— The NAD 83 Zone 16
 FDOT Regional Management
 0.6 Exaggeration
 214 171 8023

Not to be used for navigation or other purposes. The map is provided for informational purposes only. The user assumes all liability for any use of the map for navigation or other purposes.



Printed Date: February 23, 2008

Rice Portage Lake Proposed Restoration Areas

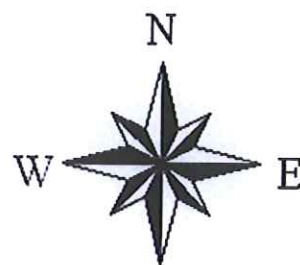


0 1000 2000 Feet

Legend



Restoration Area- 151.6 Acres


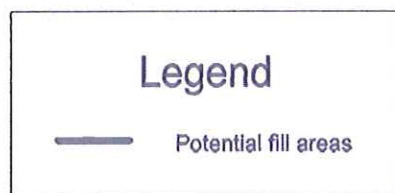


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Attachment 2

Proposed Fill Areas



0 2000 4000 Feet

A horizontal scale bar with three segments. The first segment is labeled '0', the second '2000', and the third '4000 Feet'.

Perch Lake Restoration Area



0 1000 2000 Feet

Legend

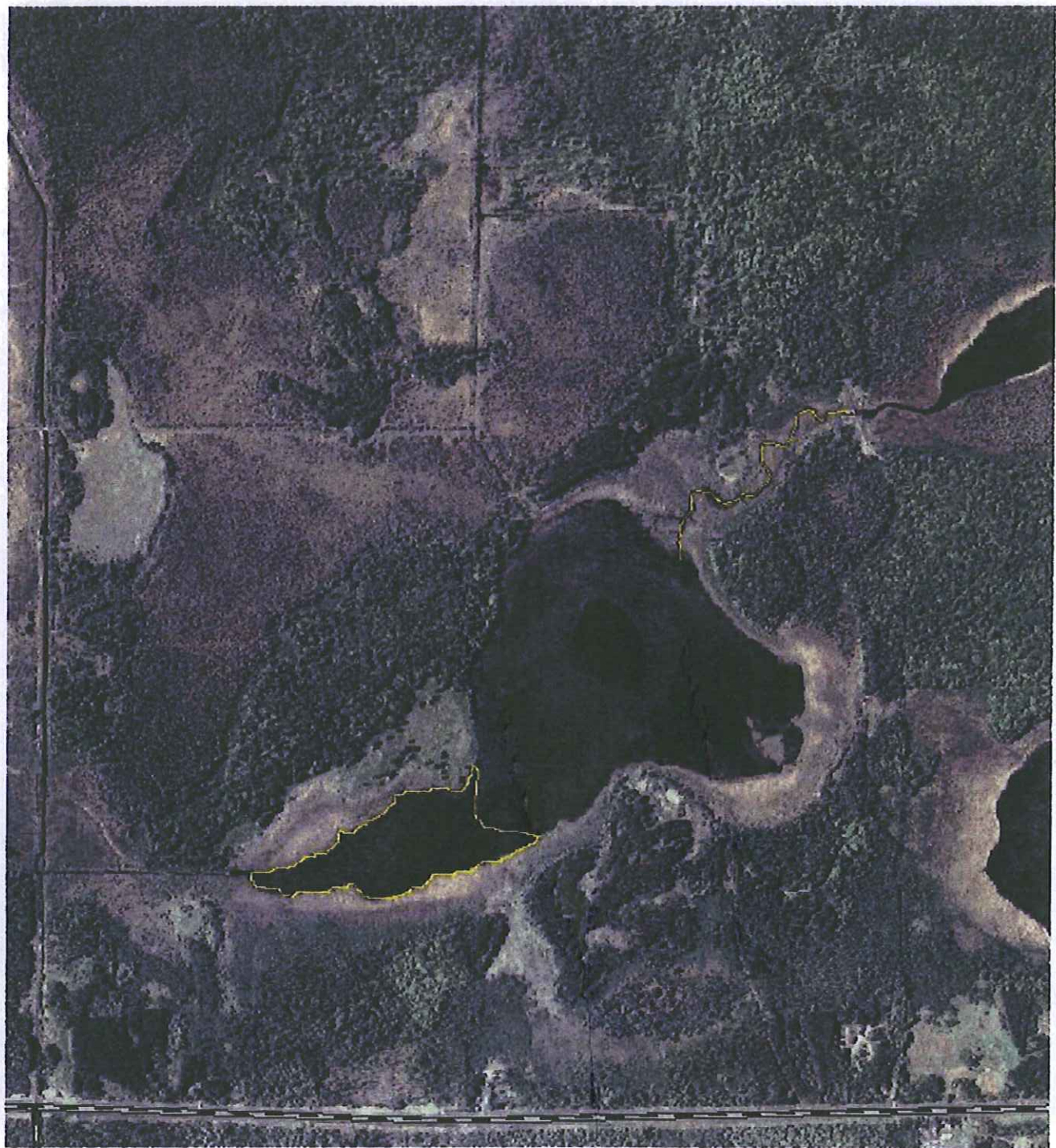


Perch Lake Restoration Area-385 Acres

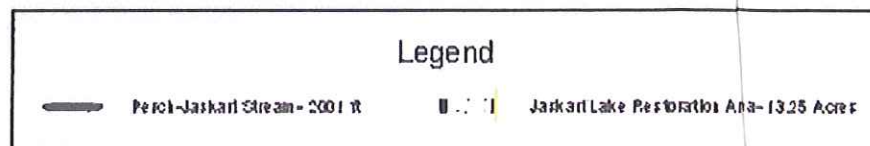


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Attachment 4

Jaskari Lake Restoration Area

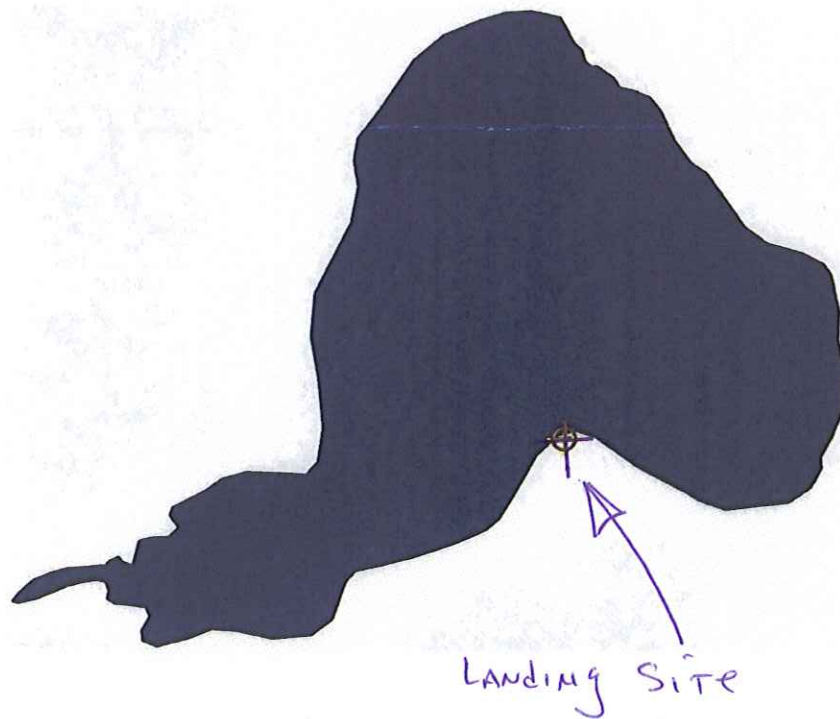


0 1000 2000 Feet




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Attachment 5

Jaskari Lake Proposed Equipment Landing Site



0 1000 2000 Feet

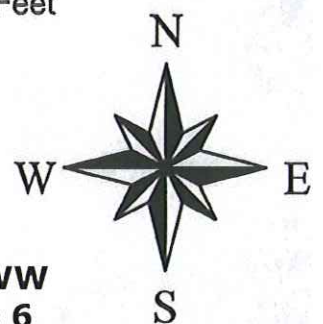


Legend



Landing site- jaskari lake.shp

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Attachment 6



DEPARTMENT OF THE ARMY
ST. PAUL DISTRICT, CORPS OF ENGINEERS
SIBLEY SQUARE AT MEARS PARK
190 5TH ST. EAST STE 401
ST. PAUL, MINNESOTA 55101-1638

OFFICIAL BUSINESS
REGULATORY BRANCH

POSTMASTER: Please Post until Notice Expires